

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

George C. Swinyer JR.

(Name of Plaintiff)

CG4-5348RBL/JKA

vs.

CIVIL RIGHTS COMPLAINT
UNDER 42 U.S.C. § 1983

Michael B. Cole, Nick Tendreau,
William SufianoS,
Joe Dunegan,
Clark County, Washington.

(Names of Defendants)



04-CV-05348-CMP

I. Previous Lawsuits:

- A. Have you brought any other lawsuits in any federal court in the United States while a prisoner: Yes No
- B. If your answer to A is yes, how many?: 1 Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff George C. Swinyer JR.

Defendants Annika N. Levi, Sheriff Roseburg, DHS, Clark
County, Washington.

2. Court (give name of District)

Western District.

3. Docket Number C04-5028 RJB
Robert J. Bryan - J. Kelley Arnold.
4. Name of judge to whom case was assigned Don't Remember
5. Disposition (For example: Was the case dismissed as frivolous or for failure to state a claim?
Was it appealed? Is it still pending?)
Dismissed without prejudice - moot.
6. Approximate date of filing lawsuit I believe January 2004
7. Approximate date of disposition 4-9-04

II. Place of Present Confinement: Clark County Jail

A. Is there a prisoner grievance procedure available at this institution?

Yes No

B. Have you filed any grievances concerning the facts relating to this complaint?

Yes No

If your answer is NO, explain why not Filed written complaint,
And criminal charges.

C. Is the grievance process completed? Yes No

If your answer is YES, ATTACH A COPY OF THE FINAL GRIEVANCE
RESOLUTION for any grievance concerning facts relating to this case.

Do not have copy

III. Parties to this Complaint

A. Name of Plaintiff: George C. Swinzer Jr Inmate No.: 151561
Address: P.O. Box 1147 Vancouver, WA 98666

(In Item B below, place the full name of the defendant, his/her official position, and his/her place of employment. Use item C for the names, positions and places of employment of any additional defendants. Attach additional sheets if necessary.)

B. Name of Defendant: Michael B. Cole

Official position: CUSTODY OFFICER

Place of employment: Clark County Sheriff's Office (Jail)

Address: 1502 NW 113th St. Vancouver, WA 98685.

C. Additional defendants NICK Jendreau, William Sufianos,
Joe Dunegan, Clark County, Washington.

III. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates, places, and other persons involved. Do not give any legal arguments or cite any cases or statutes. If you allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.)

See Attached written complaint.

IV. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. To grant Plaintiff's motion to Proceed in in forma pauperis,² grant Plaintiff his property,
2. Grant Plaintiff injunction RELIEF and TRO,
3. Grant Plaintiff Damages against the Defendants,
4. Grant Plaintiff an attorney to help proceed in this case,
5. Grant Plaintiff any and all other relief necessary, just, proper, and written in written in complaint.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 8 day of June, 2004

George C. Swinyer JR.
(Signature of Plaintiff)

INMATE GRIEVANCE FORM
CLARK COUNTY JAIL

An inmate grievance must concern a jail rule, complaint of an action by an officer / employee in administering jail rules. An inmate has up to seven (7) days to file a written grievance once they become aware of a grievable issue which cannot be resolved through oral communication. Late filings will be rejected unless approved by a supervisor. You must first attempt to resolve a grievance informally with your pod officer or the employee concerned. If your grievance cannot be resolved informally, then you may submit a grievance in the following manner:

Request a grievance from your pod officer. The pod officer may place comments on it and forward it to the Shift Sergeant. You will receive a written response to your grievance from a Shift Sergeant within five (5) business days. After receiving the response, if you're not satisfied with it, you may continue to grieve in the same manner to the Watch Commander and last with the Chief Jail Administrator. You have only 48 hours, from receiving your answer to file your grievance to the next level. Each administrative level has the (10) business days to respond. All steps must be followed in order to consider the administrative remedies "Exhausted."

Disciplinary sanctions should be appealed using the guidelines contained in the disciplinary appeals section of the inmate handbook.

Inmate Name: George Swinney POD: A3-3 CFN: 151561 Date: 4-25-04

Accepting Officer: WINSTEAD PSN: 3896

STATE YOUR GRIEVANCE - PLEASE BE SPECIFIC:

I was denied a copy of the duty roster which provides only officers name, badge number and possibly their official title-(Sgt., etc.) wherefor it is public access and/or accessible to the public. And is required for proper identification and spelling and such for legal purposes. Therefore I am being deprived my rights to search and/or access adequate information and knowledge, etc. And for finding their full name instead of just name, as well as badge number, and to search for names I may not remember. And who has what officer wear outside of us also. However it does not state badge number (PSN) and only states one name.

WHAT RESOLUTION ARE YOU REQUESTING?

I would like to obtain a copy of the duty officers of the jail.

LEVEL 1 - SHIFT SUPERVISOR

RESPONSE:

I do not have the authority to provide that information to you. If it is public information, I would suggest you contact your attorney to find out how to get it. It's possible it may require a subpoena to get that info.

SHIFT SUPERVISOR NAME: Sgt Mc 3264 RESPONSE DATE 4/27/04

LEVEL 2 - WATCH COMMANDER:

DATE SUBMITTED: 4-28-04

RESPONSE:

McSwinyer: If you have a specific request for public disclosure information, please send a letter to:
Clark County Sheriff's Office
PO Box 410
Vancouver WA 98666
Attn: Public Disclosure Request.

WATCH COMMANDER NAME: Conrad Bassett

RESPONSE DATE 4/28/04

I don't see why I'd have to write some other place, which they can be readily accessed here. But instead you originate to tell me where all you'd have to do is make a copy for the one's available, which should be the law library is the best place for that info. 4-29-04

LEVEL 3 - JAIL ADMINISTRATOR:

DATE SUBMITTED: 4-29-04

RESPONSE:

Denied Not a grievable issue. If you have a public Disclosure Request you must file it properly. A grievance is not the proper format for making such a request.

LEVEL 3 - JAIL ADMINISTRATOR:

RESPONSE DATE: 5-3-04

Third
Level

INMATE GRIEVANCE FORM
CLARK COUNTY JAIL

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Request a grievance from your pod officer. The pod officer may place comments on it and forward it to the Shift Sergeant. You will receive a written response to your grievance from a Shift Sergeant within five (5) business days. After receiving the response, if you're not satisfied with it, you may continue to grieve in the same manner to the Watch Commander and last with the Chief Jail Administrator. You have only 48 hours, from receiving your answer to file your grievance to the next level. Each administrative level has the (10) business days to respond. All steps must be followed in order to consider the administrative remedies "Exhausted."

Disciplinary sanctions should be appealed using the guidelines contained in the disciplinary appeals section of the inmate handbook.

Inmate Name: George Swisher POD: A2-1 CFN: 151561 Date: 4-18-04

Accepting Officer: DB PSN: 3832

STATE YOUR GRIEVANCE - PLEASE BE SPECIFIC:

I was denied my rights to know your written policies on the foregoing issue herein. Wherefore the law library is inadequate to that fact that it does not have the policies and procedures readily available to inmates. It was stated by warden 594, 3264 that such policies are considered confidential, due to public disclosure of all disclosed policies. (Public access). But I do not believe it to be a confidential disclosure of all the policies and procedures. See kitc of 4/17/04.

WHAT RESOLUTION ARE YOU REQUESTING?

I am wanting to know the procedures, policies, common practice, duties and administrative laws as to the custody officer's duty(s) to administer or uphold or ensure the safety and welfare of the jail, custody officer's and inmates. Example: if an officer is standing within 5 feet from an inmate when an inmate is assaulted by another officer(s) or inmate(s) what should that officer do? Is the officer to just stand by and do nothing or take measures in preventing any further harm and injuries. And file a report, if it is to prevent him/her from doing any further harm. Please provide this information and copy of the grievance form to the Commandant of the administration office. I will be awaiting your response.

LEVEL 1 - SHIFT SUPERVISOR

RESPONSE:

Our Policy & Procedure Manual does not address the specific example you have supplied. That would be a matter addressed by the RCW or Case Law. If you have a specific example of an incident that happened, please supply details so the issue can be addressed. Any requests for policy information would have to be made through the public information office.

SHIFT SUPERVISOR NAME: Sgt Neal Koenig RESPONSE DATE 4/26/04

LEVEL 2 - WATCH COMMANDER:

DATE SUBMITTED: 4-28-04

RESPONSE:

Mr. Shryver: Please see attached grievance for my response.

WATCH COMMANDER NAME: Cond. Lewis RESPONSE DATE 4/28/04

LEVEL 3 - JAIL ADMINISTRATOR:

DATE SUBMITTED: _____

RESPONSE:

Denial. Please make your request for policies through a proper public disclosure request.

Not a grievable issue.

LEVEL 3 - JAIL ADMINISTRATOR: Joe Rodriguez RESPONSE DATE: 4-5-04

Second Level

*Third
Level A3 '3*

**INMATE GRIEVANCE FORM
CLARK COUNTY JAIL**

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Request a grievance from your pod officer. The pod officer may place comments on it and forward it to the Shift Sergeant. You will receive a written response to your grievance from a Shift Sergeant within five (5) business days. After receiving the response, if you're not satisfied with it, you may continue to grieve in the same manner to the Watch Commander and last with the Chief Jail Administrator. You have only 48 hours, from receiving your answer to file your grievance to the next level. Each administrative level has ten (10) business days to respond. All steps must be followed in order to consider the administrative remedies "Exhausted."

Disciplinary sanctions should be appealed using the guidelines contained in the disciplinary appeals section of the inmate handbook.

Inmate Name: George Switzyer POD: A3-3 CFN: 151561 Date: 4-23-04

Accepting Officer: B. Korn PSN: 3794

STATE YOUR GRIEVANCE - PLEASE BE SPECIFIC:

I entered this facility on 4-2-04 after being sent from Walla Walla and Shelton Prison(s). I still have not received my property, which contains legal documents and other legal materials and miscel. Property (hygiene and writing materials, etc.). I don't know if its been transferred here or not. However it is my belief that this facility has means and/or ways to obtaining my property.

WHAT RESOLUTION ARE YOU REQUESTING?

I'd like my property. Especially my legal materials.
I'd like my property to be gone through in my presence as well do to confidential legal and non legal information and documents contained in my property.
I need my property immediately due to court deadlines and legal purposes.

LEVEL 1 - SHIFT SUPERVISOR

RESPONSE:

I checked the contents of your property here and am finding no legal documents or materials. You will have to contact the previous institution you were incarcerated in to make your request. The address for Shelton is: W. 2321 Dayton Airport Road, PO Box 900, Shelton, WA 98584. The address for Walla Walla is: 1313 N. 13th, Walla Walla, WA 99362.

SHIFT SUPERVISOR NAME: Sgt. M. 32641 RESPONSE DATE 4/24/04

may you more specific as to what has been placed in my property. And I have already wrote letters to both these facilities. And I have a right to ask that your property address issue by having you call them, whereas I do have a right to my proper

LEVEL 2 - WATCH COMMANDER:

DATE SUBMITTED: 4-24-04

RESPONSE:

Mr. Swinney: There are two bottles of medications in your property. That is all. Feel free to contact WA DOC via U.S. mail or have your attorney contact them.

WATCH COMMANDER NAME: Cinda Randal RESPONSE DATE 4/26/04

LEVEL 3 - JAIL ADMINISTRATOR:

DATE SUBMITTED: 4-26-04

RESPONSE:

Denied. You have the right to ask us to help you pack down your property but we have no obligation to assist you. We have provided you with the contact mailing address and we will not be contacting DOC on your behalf.

LEVEL 3 - JAIL ADMINISTRATOR:

RESPONSE DATE: 4-28-04

INMATE GRIEVANCE FORM
CLARK COUNTY JAIL

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Disciplinary sanctions should be appealed using the guidelines contained in the disciplinary appeals section of the inmate handbook.

Inmate Name: George Swinger POD: A2-4 CFN: 151561 Date: 5-6-04

Addition to previous

Submitted 5-6-04

Accepting Officer: Pilawoski PSN: 400

STATE YOUR GRIEVANCE - PLEASE BE SPECIFIC:

Due to your denial of my legal copies you have delayed, interfered, hindered and otherwise disregarded and denied my right to access to the courts.

You said I could file them, even if I could do so I have nowhere to file paper off the originals that is written and so as a consequence your denying me my right to legal copies is so my right to legal copies is violated.

WHAT RESOLUTION ARE YOU REQUESTING?

2150 sheets

See I filed my request for A 30 Year Legal Pad of lined paper unless you give me the copies I requested, As well as carbon paper (4 sheets). OR Blank paper (160 Sheets)

LEVEL 1 - SHIFT SUPERVISOR**RESPONSE:**

Attached is a tablet of paper as you've requested.

I also have one provided by the

attala county sheriff's office.

Both are in good condition.

SHIFT SUPERVISOR NAME: Sgt M 3264 RESPONSE DATE 5/10/04

LEVEL 2 - WATCH COMMANDER:

DATE SUBMITTED: 5-11-04

RESPONSE:

WATCH COMMANDER NAME: _____ RESPONSE DATE _____

LEVEL 3 - JAIL ADMINISTRATOR:

DATE SUBMITTED: _____

RESPONSE:

LEVEL 3 - JAIL ADMINISTRATOR: _____ RESPONSE DATE: _____

**INMATE GRIEVANCE FORM
CLARK COUNTY JAIL**

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Inmate Name: George Swinney POD: A2-4 CFN: 151561 Date: 5-17-04

Accepting Officer: _____ PSN: _____

STATE YOUR GRIEVANCE - PLEASE BE SPECIFIC:

To Joe Dunegan my grievance of 5-6-04 on denial of legal copies in which you denied at the third level. And stated an incomplete case - Lewis v. Casey (?). And then state - Limited assistance and copies of "Fords necessary to file a complaint." The copies I requested were For Filing a complaint and summons, which were necessary and required by the court. Your reason's of denial were Solely based on I could hand copy them because I had wrote them by hand originally, Not to mention you also fail to recognize my medical conditions and thus continue to purposely violate my right
WHAT RESOLUTION ARE YOU REQUESTING? which for your information you can and will be held accountable for your deliberate actions and your inabilities

thus discarded a

I want my legal copies promptly and intact.

Other signed unclaim
4/24/04 9:17:33

LEVEL 1 - SHIFT SUPERVISOR

RESPONSE:

This issue has been already addressed by Chief Dunegan, and he is the last stop in the grievance procedure, so the issue is exhausted. You may feel free to follow any legal remedies available.

SHIFT SUPERVISOR NAME: Sgt. M. 3264 RESPONSE DATE 5/19/04

LEVEL 2 - WATCH COMMANDER:

DATE SUBMITTED: _____

RESPONSE:

WATCH COMMANDER NAME: _____ RESPONSE DATE _____

LEVEL 3 - JAIL ADMINISTRATOR:

DATE SUBMITTED: 5-17-04

RESPONSE:

LEVEL 3 - JAIL ADMINISTRATOR: _____ RESPONSE DATE: _____

INMATE GRIEVANCE FORM CLARK COUNTY JAIL

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Disciplinary sanctions should be appealed using the guidelines contained in the disciplinary appeals section of the inmate handbook.

Inmate Name: George Swinzer POD: A3-3 CFN: 51561 Date: 4-25-04

Accepting Officer: WINESTAD PSN: 3816

STATE YOUR GRIEVANCE - PLEASE BE SPECIFIC:

I was denied access to a prisoner's litigation manual wherefore none is available in the law library. I was told to ask my attorney, whereas it is in file or on document there are pro se and indigent. And yet this book can be obtained by this facility through the law library not more than 50 feet away, or by other means, which denies me adequate legal materials and access to the courts, etc.

WHAT RESOLUTION ARE YOU REQUESTING?

I would like access to the Book or a Book called prisoner's litigation manual.

LEVEL 1 - SHIFT SUPERVISOR

RESPONSE:

My information shows you do have an attorney - Robert Lewis. He would certainly be able to supply you with that information. If you do have a case pending in which you are pro se, please supply me with the case # for verification. F.Y.I. The library is being inventoried at this time to replace any books that may be missing.

SHIFT SUPERVISOR NAME: Set M 3264 RESPONSE DATE 4/27/04

LEVEL 2 - WATCH COMMANDER:

DATE SUBMITTED: 4-28-04

RESPONSE:

Mr. Swinyer: I just spoke with the staff at the Clark County Law Library. I was told that they do not have one, nor have they heard of one. If you need a certain form, please send out a specific request. Our only obligation is to provide you with access to the courts, not to provide you with manuals that make you an effective litigator.

WATCH COMMANDER NAME: Chris Bennett RESPONSE DATE 4/29/04

LEVEL 3 - JAIL ADMINISTRATOR:

DATE SUBMITTED: 5-4-04

RESPONSE:

Denied. There is no constitutional requirement for care law that requires us to provide you with any specific law book. As you can see above the law librarian doesn't recognize the name of the book you are requesting so it is not available to you here. No rights have been violated so no action can be taken to resolve your grievance.

LEVEL 3 - JAIL ADMINISTRATOR: Joe Dinegan RESPONSE DATE: 5-5-04

CLARK COUNTY CUSTODY DIVISION
INMATE REQUEST SLIP

ONE NAME PER KITE
INMATES NAME: John J. B. Miller CRN: 161861
CELL #: A 3 - E DATE: 4-24-04

INFORMATION NEEDED ON: (CIRCLE ONE) Sentence, Fine, Cell Change,
Commissary, Money Account, Program Request, Suggestions For Improvements,
Disciplinary Appeals, Property Other.

COMMENTS: (BE SPECIFIC) ONE REQUEST PER KITE

Your law library does not have a prisoner's litigation manual (Book) in it. It also does not have forms for filing motions or petitions, etc. Nor is a law library clerk available, as well as many important books, and updated books are not available. I'd like to have access to a prisoner's litigation manual (Book) immediately. Wherefore I have court deadlines to meet and/or to file motions or petitions, etc. Of course it should be given within a reasonable amount of time. Two weeks I believe is more than reasonable, whereas a law library is just less than 50 feet away in the courthouse next to this jail. That I believe is accessible to this facility.

RECEIVING OFFICER: JAMES 417 DATE: 4-24-04

FORWARDED TO: Sgt. SCHAUER DATE: _____

ANSWER TO REQUEST: Contact your attorney for any legal needs you may have. Access to the courthouse law library will not be granted.

RESPONDING OFFICER / CLERK: Sgt. Mc 3264 DATE: 4/25/04

CLARK COUNTY CUSTODY DIVISION
INMATE REQUEST SLIP

ONE NAME PER KITE
INMATES NAME: George Swinzer CRN: 151561

CELL #: A3-3 DATE: 4-24-04

INFORMATION NEEDED ON: (CIRCLE ONE) Sentence, Fine, Cell Change,
Commissary, Money Account, Program Request, Suggestions For Improvements,
Disciplinary Appeals, Property Other.

COMMENTS: (BE SPECIFIC) ONE REQUEST PER KITE

I would like a duty roster of the officers names so that I may know under certain names of officers and their PSN # (Numbers) for legal purposes, etc.

RECEIVING OFFICER: Anderson DATE: 04/24/04

FORWARDED TO: _____ DATE: _____

ANSWER TO REQUEST:

This IS NOT A Piece OF
REFERENCE THAT You Will Be
Allowed.

RESPONDING OFFICER / CLERK: (Signature) DATE: _____

INMATE REQUEST FOR LEGAL COPIES

INMATE NAME: George Smifyer CFN#: 151561
CELL# 12-4 DATE: 5-5-04

I request 130 copies made of the attached (listed) document(s).
I authorize deduction of funds from my account at the rate of \$.15 per copy.

Comments:

denied - grievances are not "legal"
documents, misc. papers that you
wrote - you can make copies by writing
them again. Sgt Anderson 3rd 5/6/04

INMATE SIGNATURE: George Smifyer

RECEIVING
OFFICER/PSN: _____ DATE: _____

FORWARD TO: SHIFT SERGEANT DATE REC'D: _____

DATE COPIES MADE: _____

OF COPIES MADE: _____

OFFICER INITIALS/PSN: _____

Forward copies, original document(s) and pink copy of request form back to inmate.
Forward this request form back to the Commissary Clerk for further processing.

FORWARD TO: COMMISSARY CLERK DATE REC'D: _____

ACCOUNT BALANCE: _____

OF COPIES _____ x \$.15 = _____

CLERK INITIALS/PSN: _____

DISTRIBUTION:

White - to Commissary Clerk

Yellow - to Commissary Clerk (to be returned to inmate after account charged)

Pink - to inmate with the photocopies

Donald A. Esau, P.S.
Attorney at Law
601 E 22nd St
Vancouver Washington 98663-3208
Tele: 360/694-9982 Fax: 360/604-3544
E-mail: don@donesaulaw.com

April 22, 2004

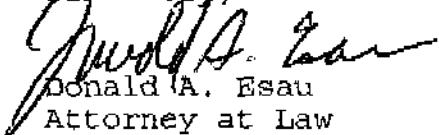
LEGAL MAIL:
Hand-delivered:
George Swinyer
Clark County Jail Inmate #151561
Vancouver WA 98660

Re: Balance of Personal Documents and Grievances
File No. 1479

Dear George:

I'm sorry that I won't be able to help you any further. Enclosed is the balance of all the papers that you have given me regarding your grievances, research and any other papers.

Sincerely,



Donald A. Esau
Attorney at Law

Enclosure

**Clark County Sheriff's Department
Custody Branch
Memorandum**

[Redacted]

Date: April 19, 2004

To: Swinyer, George CFN# 151561 CELL : A2

From: Classification Sergeant *Mh 3264*

Subject: Review of placement into Administrative Segregation Protective Custody

Reference: Placement Date: April 2, 2004

Next Review: April 26, 2004

You will remain in administrative segregation for the following reasons:

You recently returned to our facility and prior to arriving you sent a letter to the jail chief requesting protective custody while you were here.

You have a lengthy disciplinary and housing history in this facility and your past behavior has shown that you do not follow the laws and rules of this facility.

You have been placed on protective custody for your safety and the safety of others and your behavior will be monitored by classification and jail staff.

Operation Cdr (e-mail)
Disciplinary Sgt (e-mail)
Classification
Inmate file
Inmate copy

CLARK COUNTY CUSTODY DIVISION
INMATE REQUEST SLIP

ONE NAME PER KITE
INMATES NAME: George Miller CRN: 151561

CELL #: A2-1 DATE: 4-17-04

INFORMATION NEEDED ON: (CIRCLE ONE) Sentence, Fine, Cell Change,
Commissary, Money Account, Program Request, Suggestions For Improvements,
Disciplinary Appeals, Property Other

COMMENTS: (BE SPECIFIC) ONE REQUEST PER KITE I am wanting to k

the procedures, policies, common practice, duties and administrative laws, as to the custody
officer's duty(s) to administer or uphold or ensure the safety and well-being of the
custody officer's and inmates. Example: if an officer is standing within 5
feet from an inmate when an inmate is assaulted by another officer(s) or inm
what should that officer do? what are the officer's duties, policies, common prac
procedures, etc. such as: is the officer to just stand and watch the incid
or is the officer supposed to take action and intervene. Or is the officer
to file a report or not file a report, etc. Please provide this information.

RECEIVING OFFICER: WINSTEAD 3896 DATE: 4/17/04

FORWARDED TO: SGT DATE:

ANSWER TO REQUEST: Our Policy and Procedures are confidential, and
we do not respond to "what if" examples. If you have a specific
complaint regarding a specific officer, please supply us with the
details.

RESPONDING OFFICER / CLERK: Sgt Mc 3264

DATE: 4/17/04

CLARK COUNTY CUSTODY DIVISION
INMATE REQUEST SLIP

ONE NAME PER KITE
INMATES NAME: 66047 CRN: 11155

CELL #: A3-1 DATE: 5/4/04

INFORMATION NEEDED ON: (CIRCLE ONE) Sentence, Fine, Cell Change,
Commissary, Money Account, Program Request, Suggestions For Improvements,
Disciplinary Appeals, Property Other.

COMMENTS: (BE SPECIFIC) ONE REQUEST PER KITE

I'd like to speak a couple of legal
things first. whereby I don't have the
address as it was not in the phone book,
and/or is a 1-800 number.
Not to mention I have a right to legal phone
calls that are not monitored or recorded. And your
jail phone is not up to snuff and records all
calls. E/C, 4th & 14, 11th amendments rights.
Please, answer my request.

RECEIVING OFFICER: Anderson DATE: 5/4/04

FORWARDED TO: Sgt. DATE: 5/4/04

ANSWER TO REQUEST: The jail phones in the units do not monitor and
record any phone calls. You do have a right to "reasonable access"
to the courts, which means you can write letters and use the inmate
phones in the cell area.

RESPONDING OFFICER / CLERK: Sgt. Mr 3264 DATE: 5/5/04

LETTER
TO THE WARDEN

1

RE: DETENTION OF PROPERTY

5-27-67

State of Washington Dept. of Corrections

Doc #344525, Unit 1516

I have written to you before to point out the condition of your facility in regards to my personal property, which contains important legal documents, personal materials and miscellaneous property.

The property box's have been sent to the State of Washington.

However I must ask, if you last letter will not do the trick, I would like

you to consider giving me the right to have my property sent to me. The facility failed to meet that time frame of 4 days.

I have had no access to them between 2 days. And you facility is holding legal materials in now. And thus delaying my filing and other legal interests within my access to the courts.

This is my second request for the return of my materials.

I recently received a letter from Walla Walla (WSP) stating that on prison or state level it is holding my materials back to Walla Walla (WSP). And that they shipped them on 5-22-67. There should have been two boxes sent.

Not to since the state of Washington at Shelton prison, whereas when I arrived at Walla Walla (WSP) my stuff was placed in 100% segregation.

Since I am in my unit, which is Segregation. However upon my return I was never given any of my legal materials from my

unit. These documents were not available to the public.

It is being held at Walla Walla (WSP) on 5-21-67 Extra storage & shelving is to be made available to tonight shift officer's for holding my files up on

Letter to
prison

D

To the Prison Superintendent or other appropriate party.

4-14-04

I am now 37th Plaintiff in my case at the jail
and have no access to the outside. I have still not
received my property containing but not limited
to my legal materials and documents. As well as
as other belongings from my case against the state.
It has been just over two weeks since my transfer.

My property has been sent with me to
the State Penitentiary and I have not yet
been allowed to see whether the items have arrived
where I am now. This is a pure deliberate violation
of my 8th Amendment right to my property and
my 14th Amendment right as a litigant. And is thus harming me in
ways that will affect my criminal case and civil case. And
is thus blocking my access to the courts and right to
due process of law. I have send all my papers
to the State Court last before 4-21-04. No. BCN 147
Vancouver WA. 98661.

I solemnly declare under penalty of perjury
that I send this letter by certified mail to the
most senior and highest ranking member of the Washington State
Penitentiary Board and same to the State Court
last to the Superintendent hereon on 4-14-04

4-14-04

Date:

George E. Drury

Signature of State Officer/Defendant

(1)

To the Board of Supervisors

from George Smither Jr.

Due to the clerks negligence of not sending me the proper forms and example form I requested. I do not have all the forms I needed for the filing of the case I am involved in. Also due to the harassment consequence or retaliation of the jail custody officers my friends letter to the clerk disappeared the jail refusing to give it back. Therefore, I could not prove and have decided to file which to be true. But my past knowledge of the court clerks negligence is that the clerk does not file such motions or answer letters as the clerk should.

I George Smither Jr. make undersigned et al
to affirm that the following is true. That I have been denied my right to file motions and answer letters in the court system due to the jail custody officers. See attached letters.

5-2-04

Date

George C. Smither Jr.
Signature of Plaintiff/Defense

LAW OFFICES
OF
GEORGE E. SMITH

D

To Miss Joanne McBride, court clerk.

4-18-04

HONOR!

I am requesting the following information and forms:

I would like to get any information on my related materials to filing a U.S. 900. Sec. 1783 suit.

Please let me know who is the county and an officer who assist me. What are the procedures and an efficient inmate. Please provide attorney forms for the filing of suit and a complaint and all other things.

Also please provide an example complaint so that I may have the proper form filed, and how to file it. And please provide motions and example(s) of preliminary injunction and temporary restraining order against the 1783 so that I may get my legal materials and documents from prison. whereas they

do not want to file or do not want to filing my filing of this circuit, and interfacing with my needs to the best of my ability 1783 may be a timely filed and subsequently dismissed. And therefore I also ask for forms to file a motion to vacate the time frame that filing is filed with you.

I do not expect you, swear under penalty of perjury to file this in the court clerk Joanne McBride the foregoing letter by U.S. mail on 4-18-04

4-18-04
Date

George E. Smith
PRO-SO Plaintiff Signature